

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Elyssa S. Kates
Terry Brennan

*Attorneys for Irving H. Picard, Esq., Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES INVESTOR PROTECTION
CORPORATION,**

Plaintiff-Applicant,

v.

**BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,**

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

**IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,**

Plaintiff,

v.

**IRWIN LIPKIN, CAROLE LIPKIN, MARC
LIPKIN, RUSSELL LIPKIN, and KAREN
YOKOMIZO LIPKIN,**

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04218 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Carole Lipkin and the estate of Irwin Lipkin (the “Defendants”), by and through their respective counsel, The Law Office of Richard P. Galler, LLC and Winne Banta Basralian & Kahn, P.C. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 12, 2010, the Trustee filed and served the Complaint against Defendants and others not party to this Stipulation.
2. On April 21, 2011, Defendants served an answer on the Trustee.
3. On or about August 5, 2015, the United States District Court, Southern District of New York entered the Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Forfeiture Order”), pursuant to which the parties entered into a settlement of their disputes. *USA v. Lipkin*, Case No. 1:10-cr-00228-LTS, Dkt. No. 1413.
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against the Defendants in the above-captioned adversary proceeding.
5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties in interest.
6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the

same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: April 24, 2018
BAKER & HOSTETLER LLP

By: /s/ Elyssa S. Kates
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Elyssa S. Kates
Email: ekates@bakerlaw.com
Terry Brennan
Email: tbrennan@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
Bernard L. Madoff*

**WINNE BANTA BASRALIAN & KAHN,
P.C.**

By: /s/ Robert J. Kleeblatt
Robert J. Kleeblatt, Esq.
Court Plaza South – East Wing, Suite 101
21 Main Street
Hackensack, New Jersey 07601
Telephone: (201) 487-3800
Facsimile: (201) 487-8529
Email: rkleblatt@winnebanta.com

*Attorneys for Defendant the estate of Irwin
Lipkin*

SO ORDERED

Dated: April 30, 2018
New York, New York

**THE LAW OFFICE OF RICHARD P.
GALLER, LLC**

By: /s/ Richard P. Galler
Richard P. Galler, Esq.
75 Essex Street, Suite 220
Hackensack, New Jersey 07601
Telephone: (201) 678-3200
Facsimile: (201) 343-2727
Email: Richard@kgalaw.com

Attorneys for Defendant Carole Lipkin

/S/ Stuart M. Bernstein
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE